



PATENT ATTORNEY DOCKET NO. 46884-5505

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Tamotsu TAMADA et al.) Confirmation No.: 2682
Application No.: 10/589,606) Group Art Unit: 2874
Filed: August 16, 2006) Examiner: To Be Assigned
For: OPTICAL PART HOLDING UNIT	<i>)</i>)

Commissioner for Patents U.S. Patent and Trademark Office Customer Window Alexandria, VA 22314

Sir:

SUBMISSION OF INTERNATIONAL PRELIMINARY EXAMINATION REPORT

Applicants bring to the attention of the Examiner the attached document.

Attached is an English-language translation of an International Preliminary Examination Report ("IPER"), including PCT/IB/373 and English translation of PCT/ISA/237, dated September 28, 2006 that issued in a related PCT/JP2005/002435 application. Applicants respectfully request that the Examiner consider the IPER as it relates to the above-identified application.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed document is material or constitute "prior art." If it should be determined that the listed document does not constitute "prior art" under United

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States law, Applicants reserve the right to present to the office the relevant facts and law

regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability

of the disclosed invention over the listed documents, should one or more of the documents be

applied against the claims of the present application.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby

authorized by this paper to charge any additional fees during the entire pendency of this

application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including

any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573.

This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF

TIME in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

DRINKER, BIDDLE & REATH LLP

Dated: January 23, 2007

By:

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PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II
OF THE PATENT COOPERATION TREATY)

(PCT Rules 44bis.3(c) and 72.2)

To:	
HASEGAWA, Yosh SOEI PATENT ANE Ginza 1-chome, Ch 1040061 JAPON	DLAW FIRM, Ginza First Bldg., 10-6,
	100 m. 05

Date of mailing (day/month/year)
28 September 2006 (28.09.2006)

Applicant's or agent's file reference
FP05-0029-00

International application No.
PCT/JP2005/002435

International filing date (day/month/year)
17 February 2005 (17.02.2005)

HAMAMATSU PHOTONICS K.K. et al

 Transmittal of the translation to the applicant 	
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'	The International Bureau transmits herewith a copy patentability (Chapter I).	of the English translation of the internationa	I preliminary report on

patentability (Chapter II).

2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

The International Bureau transmits herewith a copy of the English translation of the international preliminary report on

None

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SM, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland

Authorized officer

Yoshiko Kuwahara

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PATENT COOPERATION TREATY

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference FP05-0029-00	FOR FURTHER ACTION	See item 4 below				
International application No. PCT/JP2005/002435	International filing date (day/month/year) 17 February 2005 (17.02.2005)	Priority date (day/month/year) 17 February 2004 (17.02.2004)				
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237						
Applicant HAMAMATSU PHOTONICS K.K.						

1.	This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).						
2.	This REPORT consists of a total	of 5 sheets, including this co	ver sheet.				
	In the attached sheets, any refere to the international preliminary re		he International Searching Authority should be read as a reference or I) instead.				
3.	This report contains indications i	elating to the following items	:				
	Box No. I	Basis of the report					
	Box No. II	Priority					
	Box No. III	Non-establishment of opin applicability	ion with regard to novelty, inventive step and industrial				
	Box No. IV	Lack of unity of invention					
	Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement						
	Box No. VI Certain documents cited						
	Box No. VII Certain defects in the international application						
	Box No. VIII Certain observations on the international application						
4.	4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis.2).						
	·	·	Date of issuance of this report 19 September 2006 (19.09.2006)				
	The International Bure 34, chemin des Col 1211 Geneva 20, Sv	ombettes	Authorized officer Yoshiko Kuwahara				
Facsimile No. +41 22 338 82 70			e-mail: pt07@wipo.int				

Form PCT/IB/373 (January 2004)

PATENT COOPERATION TREATY

From the INTERN		AL SEARCHIN	G AUTHOR	ITY		ANC.
То:						PCT PCT
						RITTEN OPINION OF THE IONAL SEARCHING AUTHORITY
					•	(PCT Rule 43bis.1)
					Date of mailing (day/month/year)	
Applica	nt's or a	gent's file referenc	e e		FOR FURTHER	ACTION
		29-00				See paragraph 2 below
i		plication No.		International filing date	day/month/year)	Priority date (day/month/year)
PCT	/JP2	2005/002	435	17.02.2005		17.02.2004
Applica	nt	SU PHOTO	~	n national classification an		
				··		
2.	FURT that this In this In this writte	Box No. I Box No. II Box No. IVI Box No. V Box No. VI Box No. VII Box No. VIII THER ACTION Idemand for international Preliminar his one to be the iternational Search opinion is, as pr	Basis of the Priority Non-establi: Lack of unit Reasoned st applicability Certain doc: Certain obse national prelii ry Examining IPEA and the hing Authority ovided above, where approp	shment of opinion with re- ty of invention atement under Rule 43bis y: citations and explanatio uments cited ects in the international ap- ervations on the internatio minary examination is m Authority ("IPEA") excep- chosen IPEA has notified y will not be so considered will not be so considered considered to be a writte priate, with amendments.	gard to novelty, invent I(a)(i) with regard to ns supporting such star plication nal application ade, this opinion wi to that this does not ap the International Bur con opinion of the IPE before the expiration	Il be considered to be a written opinion of the ply where the applicant chooses an Authority other eau under Rule 66.1bis(b) that written opinions of A. the applicant is invited to submit to the IPEA a to of 3 months from the date of mailing of Form
PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later. For further options, see Form PCT/ISA/220.						expires later.
3.	For fu	rther details, see :	notes to Form	PCT/ISA/220.		
Name a	ind maili	ing address of the	ISA/JP		Authorized officer	

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2005/002435

Box No. I Basis of this opinion With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item. This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)). With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of: a. type of material a sequence listing table(s) related to the sequence listing format of material in written format in computer readable form time of filing/furnishing contained in the international application as filed. filed together with the international application in computer readable form. furnished subsequently to this Authority for the purposes of search. In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished. Additional comments:

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2005/002435

Box No. V Reasoned statement under R citations and explanations su		nt under Ru mations sup	tule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; apporting such statement					
l.	Statement							
	Novelty (N	V)	Claims	2,	4,	5,	7	YES
			Claims	1,	3,	6,	8-10	NO
	Inventive s	step (IS)	Claims					YES
			Claims	1-	10			NO
	Industrial	applicability (IA)	Claims	1-	10			YES
			Claims				70.000	NO
							NA - CRISTON - 10 - 10 - 10 - 10 - 10 - 10 - 10 - 1	,

2. Citations and explanations:

Document 1: EP 0901023 A2 (NEC Corp.), 03 October 1999, Full text; all drawings & JP 3134850 B2

Document 2: JP 2004-12844 A (Hitachi Cable, Ltd.)

15 January 2004, Full text; all drawings

Family: none

Document 3: JP 2003-15070 A (Ricoh Co., Ltd.), 15 January 2003, Full text; all drawings Family: none

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The inventions of claims 1, 3, 6, and 8-10 do not appear to possess novelty based on document 1 cited in the ISR.

Document 1 describes optical parts used as modular blocks, having a pair of an input and an output surfaces and a third surface, with at least one of the input surface and the output surface having a prism type element with an insertion part opening and at least one of these surfaces having a combination of a male and a female fitting means permitting mutual connection of a plurality of prism type elements. Further, for the fitting shape for insertion and removal of the prism type elements, a combination of a fitting pin and a socket with a circular cross section surrounding the insertion part, which is an opening part, is described.

The inventions of claims 2, 4, and 5 do not appear to involve an inventive step based on documents 1 and 2 cited in the ISR.

Document 2 describes a configuration having a circular hole with a circular cross section (an insertion port 31A) and a noncircular hole with a noncircular cross section (a second reference hole 31C) as a well-known fitting and turn prevention coupling mechanism for an optical part holding unit.

Accordingly, combining the configuration described in document 1 with the configuration described in document 2 to derive the inventions of claims 2, 4, and 5 would be easy for a person skilled in the art.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

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PCT/JP2005/002435

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: Box V

The invention of claim 7 does not appear to involve an inventive step based on documents 1, 2, and 3 cited in the ISR.

Document 3 describes a well-known configuration permitting exchange of internal optical parts (lenses) by installation of a lid member for an optical part holding unit (housing). Accordingly, adding the well-known configuration as described in document 3 to documents 1 and 2 to derive the invention of claim 7 would be easy for a person skilled in the art.